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B I L L

[AS AMENDED IN COMMITTEE]

TO

Enlarge the Jurisdiction of the Civil Bill Courts in Ireland A.D. 1874.
 in respect to the recovery of Balances due on partnership
 Accounts, and in respect of Actions involving Questions of
 Title to corporeal and incorporeal Hereditaments.

WHENCEAS it is expedient to enlarge the jurisdiction of the Civil Bill Courts in Ireland in respect to the recovery of balances due on partnership accounts, and in respect of actions involving questions of title to corporeal or incorporeal hereditaments:

5 Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in the present Parliament assembled, and by the authority of the same, as follows:

1. The Chairmen of every county in Ireland shall have jurisdiction to try by civil bill actions for the recovery of any debt or demand not exceeding forty pounds alleged to be due as the balance of a partnership account, whether the balance shall have been ascertained or not previous to the issuing of the civil bill; and such chairmen shall, in addition to any jurisdiction in respect 15 of lands and hereditaments which they already possess, also have jurisdiction to try by civil bill actions in which the title to any corporeal or incorporeal hereditament shall come in question, when the value of the land in dispute, or in respect of which the easement or license is claimed, or on, through, over, or under which 20 such easement or license is claimed, shall not exceed twenty pounds by the year as valued under the Acts relating to the valuation of rateable property in Ireland; but the decision of the chairmen in any action in which the title to any corporeal or incorporeal hereditament shall be in question shall not be evidence of title between 25 the parties or their privies in any other action relating to any other corporeal or incorporeal hereditament, although the same may depend in the whole or in part on the same title: Provided how-

[Bill 174.]

balances of
partnership
accounts,
whether ascertained
or not at the time
of the issuing
process, not
exceeding £40,
and actions in-
volving title to
corporeal or
incorporeal
hereditaments,
may be brought
in the civil
bill court, but
decisions in the
latter courts
shall not be
evidence of
title in other
actions

A.D. 1874.

Proceedings
in cases in-
volving title
to corporeal
or incorpo-
real hered-
itaments
may be
stayed in the
civil bill
court and
ordered to be
heard in the
superior
courts by
order of the
judge.

ever, that this section shall not extend to any action in which title to any fishery or right of fishing shall come in question.

2. The defendant in any civil bill in which the title to a corporeal or incorporeal hereditament shall be in question may, at any time after the service of the civil bill on him, apply to a judge of Her Majesty's High Court of Justice in Ireland for a summons to the plaintiff to show cause why such action shall not be tried in one of the divisions of the High Court of Justice in Ireland on the ground that the title to lands or hereditaments of greater annual value than twenty pounds as before defined would be affected by the decision in such action, or on any other ground which may make it more proper to have the case tried in any of such divisions; and on the hearing of such summons the judge may, if he think expedient, order, on such terms as he may think proper to impose, that the proceedings in the civil bill court shall be discontinued, and that such action shall be tried in one of the divisions of the High Court of Justice in Ireland.

3. This Act shall come into force on the first day of December one thousand eight hundred and seventy-four, and shall be construed as one Act with the Act of the fourteenth and fifteenth year of Her Majesty, chapter fifty-seven, and the several Acts amending or altering the same.

When the
Act shall
come into
force, and
how it is to
be construed.

Civil Bill Courts
(Ireland).

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B I L L

[AS AMENDED IN Committee]

To enlarge the Jurisdiction of the Civil Bill Courts in Ireland in respect to the recovery of Balances due on Partnership Accounts, and in respect of Actions involving Questions of Title to corporate and unincorporated Businesses,

(Printed and brought in by
Sir Cedric O'Loingsigh and Mr. McCarthy
Deputy.)

Ordered, by The House of Commons, to be Printed,
25 June 1854.

[Bill 174.]

Under 1 62.